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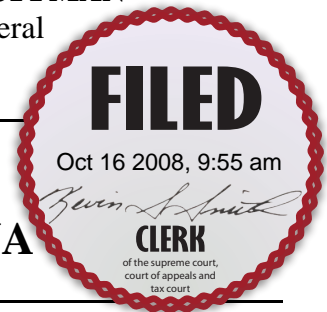
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**IN THE
COURT OF APPEALS OF INDIANA**



BRIAN HANDLON,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A02-0803-CR-247

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Amy Barbar, Judge
Cause No. 49G02-0706-FC-123876

October 16, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Case Summary

Brian Handlon appeals his conviction and sentence for class C felony auto theft. We affirm.

Issues

- I. Is the evidence sufficient to sustain Handlon's conviction?
- II. Is his sentence inappropriate?

Facts and Procedural History

On the morning of June 27, 2007, Thomas Berry went to a Goodwill store to have lunch with his girlfriend, Tina Adams, who was employed there. Berry parked his truck and entered the store. He left his wallet on the floorboard and a spare key to the truck under the seat. At about 11:25 a.m., Berry returned to the parking lot and saw that his truck was gone. He had not authorized anyone to use it. He called police to report it stolen. Berry called his granddaughter, Michelle Haddix, and asked her to pick him up. After Berry filed a police report, Haddix drove him and Adams to Berry's home.

Later that day, Haddix was on the way to pick up her brother at school when she stopped at a Taco Bell for lunch. She saw Handlon drive out of the Taco Bell parking lot in Berry's truck. She followed him to various locations while talking with Berry on her cell phone. She followed the truck into a K-Mart parking lot, and then she left to pick up her brother. Berry and Adams left their house to look for the truck. Berry went into the K-Mart store, and Adams waited in the parking lot. While waiting, Adams saw Berry's truck traveling through the parking lot and called police. Handlon parked and exited the truck. As Berry walked out of K-Mart, Adams pointed to Handlon and yelled, "That guy just got out of

your truck.” Tr. at 81-83, 115. Berry followed Handlon into K-Mart. Handlon saw Berry behind him and began walking faster. Berry lost sight of Handlon and notified K-Mart security personnel, who searched the store unsuccessfully. Berry and a few security workers walked outside where they saw Handlon sitting under a tree next to another man.

The State charged Handlon with class D felony auto theft. On November 5, 2007, the trial court found Handlon guilty. Because Handlon had a prior auto theft conviction, the trial court elevated the conviction to a class C felony. *See* Ind. Code § 35-43-4-2.5. At the sentencing hearing on November 21, 2007, the trial court cited Handlon’s extensive prior criminal history as an aggravator. The trial court ordered Handlon to serve eight years in prison. Handlon now appeals.

Discussion and Decision

I. Sufficiency of Evidence

First, Handlon argues that the evidence is insufficient to sustain his conviction. When reviewing insufficiency claims, we do not reweigh the evidence or judge the credibility of witnesses. *Altes v. State*, 822 N.E.2d 1116, 1121 (Ind. Ct. App. 2005), *trans. denied*. We look to the evidence most favorable to the judgment and the reasonable inferences therefrom. *Id.* We will affirm the conviction if evidence of probative value exists from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. *Id.*

Here, the State was required to prove beyond a reasonable doubt that Handlon exerted unauthorized control over Berry’s vehicle with intent to deprive Berry of the value or use of the vehicle. *See* Ind. Code § 35-43-4-2.5. Handlon claims that because there was no evidence that he sold or otherwise disposed of the truck or that he attempted to conceal it, the

State failed to prove beyond a reasonable doubt that he had the necessary intent to deprive Berry of the value or use of the vehicle. He also claims that he was in possession of the truck for a short time, as he abandoned it in the K-Mart parking lot only a few hours after taking it.

At trial, Haddix and Adams identified Handlon as the man they saw driving Berry's truck. Berry testified that he had not authorized anyone to drive his truck that day. Handlon's argument is merely an invitation to reweigh the evidence, which we will not do. We affirm Handlon's conviction.

II. Inappropriateness of Sentence

Handlon also claims that his eight-year sentence is inappropriate and asks us to revise it. Pursuant to Indiana Appellate Rule 7(B), we may revise a sentence authorized by statute if, after due consideration of the trial court's decision, we find that the sentence is inappropriate in light of the nature of the offense and the character of the offender. Handlon seems to argue that despite his character issues, he should not be required to serve the maximum statutory sentence because the nature of his offense is not particularly egregious. We disagree.

At the time of sentencing, Handlon had forty-three previous arrests and fifteen convictions, including seven felony convictions. His probation has been revoked on three occasions, and he has violated Marion County Community Corrections placements. Clearly, Handlon has no respect for the law. The fact that he so brazenly stole Berry's truck further illustrates that fact. For these reasons, we conclude that Handlon's sentence is not inappropriate.

Affirmed.

KIRSCH, J., and VAIDIK, J., concur.